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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) NO. CR 14-00149 RS
15 Plaintiff,) [filed March 20, 2014]
16 v.) **NOTICE OF RELATED CASES IN A
17 IMRAN HUSAIN,) CRIMINAL ACTION**
18 Defendant.)
19 _____)

20 UNITED STATES OF AMERICA,) NO. CR 17-00281 CRB
21 Plaintiff,) [filed May 18, 2017]
22 v.)
23 GREGG JACLIN,)
24 Defendant.)
24 _____)

25 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court
26 that the two above-captioned criminal cases are related, and asks the Court to relate *United States v.*
27 *Gregg Jaclin*, CR 17-281 CRB, to *United States v. Imran Husain*, CR 14-149 RS.

28 **NOTICE OF RELATED CASES**

1 On March 20, 2014, Imran Husain was indicted for conspiracy and obstruction of justice, in
 2 connection with the obstruction of proceedings of the Securities and Exchange Commission (“SEC”) in
 3 the matter of YesDTC.¹ CR 14-149 RS, Dkt. 1. On October 14, 2014, Husain pleaded guilty to
 4 conspiracy to obstruct the proceedings of the SEC. *Id.*, Dkt. 24. In his plea agreement, Husain admitted
 5 that he and Gregg Jaclin conspired to manufacture and sell publicly traded shell companies, and worked
 6 to hide both the true nature of the companies and Husain’s true role with the companies from the SEC,
 7 by making false statements in public filings and by obstructing the SEC’s investigation of one of the
 8 companies. *Ibid.* In his plea agreement, Husain agreed to cooperate against Jaclin. *Ibid.*

9 On May 18, 2017, Jaclin was indicted on eight counts, including securities fraud, false filings, a
 10 scheme to conceal material facts, and obstruction, arising from the same conduct for which Husain had
 11 pleaded guilty. CR 17-281 CRB, Dkt. 1. The scheme outlined in the indictment in CR 17-281 CRB is
 12 the same as that to which Husain pleaded guilty in CR 14-149 RS.

13 For this reason, the cases are related within the meaning of Local Rule 8-1(b). First, though they
 14 do not include the same defendant, both actions concern the same alleged events, occurrences,
 15 transactions or property—the manufacture and sale of publicly traded shell companies, the making of
 16 false SEC filings, and the related obstructive acts by both Husain and Jaclin. Second, the actions will
 17 entail a duplication of labor and conflicts if heard before different judges. In CR 14-149, at his
 18 sentencing, Husain’s conduct and any credit for cooperation that he would receive must be evaluated
 19 under the Sentencing Guidelines and § 3553. That conduct is the same as that alleged of Jaclin in CR
 20 17-281. It will save resources for a single judge to hear that same set of facts. Should Jaclin be
 21 convicted, it will also help to ensure consistency in any sentencings for a single judge to render a
 22 sentence against both defendants. Additionally, should Jaclin’s case go to trial, Husain will likely be a

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 24 ¹ In *United States vs. Joseph Noel*, No. CR 14-264 VC, filed on May 14, 2014, the eventual CEO of
 25 YesDTC is charged with, and has pleaded guilty to, securities fraud, in connection with the eventual
 26 market manipulation of YesDTC stock. *United States v. Noel*, on the one hand, and *United States v.*
 27 *Jaclin* and *United States v. Husain*, on the other, involve some overlap—the government alleges that
 28 Husain, with Jaclin’s aid, sold to Noel and others the shell company that eventually became YesDTC,
 and that Husain and Jaclin knew the likely use of the shell companies that they sold. However, the
 government does not believe that *United States v. Noel* is “related” to *United States v. Husain* and
United States v. Jaclin within the meaning of Local Rule 8-1(b).

NOTICE OF RELATED CASES

1 witness, and it will prevent duplication of labor in evaluating his culpability and cooperation if the judge
2 presiding over the trial in which he testifies is also the judge that sentences him.

3 Per the requirement of Local Criminal Rule 8-1(c)(4), undersigned counsel states that assignment
4 of these cases to a single judge is likely to conserve judicial resources and promote an efficient
5 determination of each action.

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7 Dated: May 19, 2017

Respectfully submitted,

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9 United States Attorney

10 _____/s/
11 BENJAMIN KINGSLEY
12 Assistant United States Attorney
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